

REMARKS/ARGUMENTS

Claims 1, 10-23 are pending. In the Office Action dated September 13, 2004, the Examiner issued a five-way restriction requirement, grouping the claims into Groups I (claims 1, 10-15), II (claims 16-20), III (claim 21), IV (claim 22) and V (claim 23). Applicant elects to proceed with prosecution of Group I, but also traverses specifics of the restriction requirement.

In particular, Applicant submits that the requirements of MPEP §806.05 are not complied with and that the classification of the claims is improper. For example, in the Office Action, the Examiner merely cites various characterizations of what the claims are directed to and provides only conclusory statements to justify the restriction requirements as subcombinations usable together as a single combination.

The Examiner's characterization of claim 23 is to configuring a routing system, whereas the claim is more properly described as relating to an overlay routing processor having features recited in the claim. As such, claims 1, 21, 22 and 23 would be more properly described as relating to apparatus, methods and computer readable medium containing instructions for overlay routing and thus would be searched in common classes and subclasses. Therefore, restriction is not required. Without more, a conclusion of divergent subject matter, separate status in the art and separate searches cannot be supported by the conclusory statements in the Office Action.

In order to compromise, without suggesting that any restriction is properly required, Applicant proposes that the Examiner withdraw the restriction requirement at least as to claims 1, 10-15 and 21-23 (Groups I, II, IV and V) and proceed with examination of those claims in the present application.

Claims 1, 13, 16, 19, 21-23 are amended herein to correct typographical and grammatical errors present in the claims as filed in the parent application as well as addressing antecedent bases, without any intent to alter the scope of the claims.

Appl. No. 10/600,142
Amdt. dated October 21, 2004
Amendment and Response to Restriction Requirement

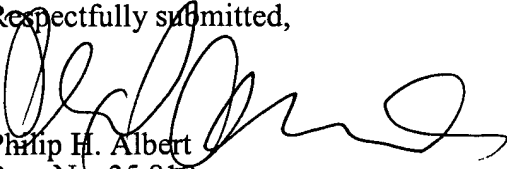
PATENT

CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Dated: 11/9/04


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